

C. Remarks

Turning first to the rejection of claims 18 and 19 as to matters of language, in the above amendment, the preamble of these claims have been amended so as to recite "The material" rather than "The process". This should remove the 35 USC 112 issue with these claims.

Claims 1, 2, 4-8, 10 and 16-19 were rejected under 35 U.S.C. 102/103 as anticipated and/or obvious over the patent to Blank (U. S. Patent No. 6,245,312) which apparently has a PCT publication date of April 1998. This patent is directed to a *superhard* carbon material which is formed from C₆₀ fullerite under extreme pressure and temperature and which is asserted to be *harder than diamond*. In contrast the present invention is directed to a hard, but not superhard, material made from a variety of fullerenes by a process that uses high, but not extreme, pressures and temperatures. The present material can be formed into composite materials suitable for use in a variety of industrial applications. In order to clearly define the present invention from that of the prior art. independent claims 1, 8 and 17 have been amended to clearly state that the material that is the subject of the present claims has a hardness of less than 50 Gpa, which is less than that of diamond and less than the "superhard" 50-170 Gpa material recited in the patent to Blank.

The material of the present invention is a hard, but less than diamond hard, material that differs in kind and uses from that of Blank. The processes defined in the

present process claims can be carried out and pressures and temperatures that are less extreme than that of Blank and which are thus more suitable for volume manufacturing. Indeed, the present material is far more versatile than the superhard material of Blank since it can be used in composites, have its electrical properties controlled by the use of dopants, or with the use of alloys, converted to monocrystalline diamond as is described in the present specification. As such it cannot be said that a person of ordinary skill in this art would be taught either the material or processes set forth herein from a reading of the patent to Blank. Accordingly the claims, as amended, are neither anticipated , nor rendered obvious, by the Blank patent, standing alone or combined with other references.

The rejection of claims 6, 7 and 16 directed to the use of a dopant must also be respectfully traversed. The office action states that these are merely "impurities" that "must" be present in Blank. Under this reasoning the original transistor was not patentable, as it was merely a lump of known germanium with impurities that must have been present! In order to clarify this matter, these claims have been amended to recite that these dopants are used to effect the electrical properties of the material. There is no such teaching in Blank as to the use of a dopant and the present claims are thus patentable therefor.

Regarding claims 3, 9 and 11-15 which were objected to but noted allowable if rewritten in independent form, these claims have not been rewritten at this time since applicants deems the present claims allowable as currently amended.

In sum, the patent to Blank is directed to a different material (harder than diamond as opposed to hard but softer than diamond) produced by a much more extreme temperature and pressure process. The present claims have been amended to highlight these distinctions and it is respectfully submitted that the claims are patentable over the art of record and notice to that effect is earnestly solicited. If the Examiner has any questions regarding this matter, the Examiner is requested to telephone applicants attorney at the numbers listed below prior to issuing a further action.

Respectfully Submitted,

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